

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

THE RELATED COMPANIES L.P. and
MBM SUPPLY COMPANY LLC,

Plaintiffs,

- against -

CARLETON RUTHLING; TESLA WALL
SYSTEMS, LLC; TESLA WALLS, LLC;
HUDSON WALLS LLC; RELATED SUPPLY
LTD.; JEANEAH PAIK; CHRISTOPHER DU;
SKYE HOLDINGS LTD.; and SKYE SUPPLY
LLC,

Defendants.

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendants Tesla Wall Systems, LLC, Tesla Walls, LLC, and Hudson Walls LLC (“Defendants”) hereby remove this action from the Superior Court of the State of Delaware in and for New Castle County to the United States District Court for the District of Delaware. In support of this notice, Defendants state as follows:

I. THE STATE COURT ACTION

1. Plaintiffs The Related Companies L.P. and MBM Supply Company LLC (“Plaintiffs”) filed this civil action styled *The Related Companies L.P. and MBM Supply Company LLC v. Ruthling et al.*, C.A. No. N17C-02-161 MMJ, in the Superior Court of the State of Delaware in and for New Castle County on February 17, 2016. A true and correct copy of the Complaint is attached hereto as part of Exhibit A.

2. Plaintiffs' lawsuit represents the latest chapter in an ongoing dispute between former business partners. *See Tesla Wall Systems, LLC v. Budd*, No. 1:14-cv-08564-LLS, Doc. 1 (S.D.N.Y. filed Oct. 27, 2014); *The Related Companies, L.P. v. Tesla Wall Systems, LLC*, Index No. 650778/2015, Doc. No. 1 (N.Y. Sup. Ct., New York Cty. filed March 13, 2015).

3. In their Complaint, Plaintiffs allege that Defendants engaged in a complex and intricate scheme to steal Plaintiffs' money. (Compl. ¶¶ 98-122) Plaintiffs' third and fourth causes of action further allege that Defendants' scheme consisted of mail and wire fraud, extortion, and racketeering in violation of the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1962, and seek treble damages, plus interest, costs, and attorneys' fees (*Id.*).

4. As set forth more fully below, this case is properly removed to the United States District Court for the District of Delaware because the procedural requirements for removal are satisfied.

II. REMOVAL IS PROPER BECAUSE THIS COURT HAS SUBJECT MATTER JURISDICTION PURSUANT TO 28 U.S.C. §§ 1331 AND 1441

5. Any civil action brought in a State court of which the district courts of the United States have original jurisdiction may be removed by the defendant or defendants to the district court of the United States for the district and division embracing the place where such action is pending. 28 U.S.C. § 1441(a).

6. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1331, and is one which may be removed to this Court by the Defendants pursuant to the provisions of 28 U.S.C. § 1441(a) in that it expressly arises under the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1962 (Compl. ¶¶ 98-122).

III. THE PROCEDURAL REQUIREMENTS FOR REMOVAL ARE SATISFIED

7. Pursuant to 28 U.S.C. § 1446(a), true and correct copies of all pleadings filed in the State Court Action are attached as Exhibit A.

8. Plaintiff's Complaint was filed in the Superior Court of the State of Delaware on or about February 17, 2017. The Complaint was served on Defendants on March 13, 2017. Accordingly, this Notice of Removal is timely filed. *See* 28 U.S.C. § 1446(b)(1) (requiring notice of removal to be filed within 30 days of service).

9. All other properly joined and served defendants in this case consent to removal. *See id.* § 1446(b)(2).

10. The United States District Court for the District of Delaware embraces the locality in which the state court action is now pending, making this Court a proper forum pursuant to 28 U.S.C. § 1441(a).

11. No previous application has been made for the relief requested herein.

12. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served on Plaintiffs, and a copy is being filed with the Superior Court of the State of Delaware in and for New Castle County.

13. A Civil Cover Sheet is attached as Exhibit B with this Notice of Removal pursuant to Local Rule 3.1.

14. If any question arises regarding the propriety of the removal of this action, Defendants respectfully request the opportunity to present briefing and/or oral argument in support of their position that this case is removable.

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